

REMARKS

The examiner rejected claims 1-4, 6-8, 27-28 and 52-59 under 35 U.S.C. § 112 as being indefinite for failing to particularly point out and distinctly claim the invention.

Applicant submits that these claims were not circular and that the Examiner's stated interpretation is incorrect, leading to an improper rejection of these claims, as argued below. Nonetheless, to advance prosecution and to place the claims in condition for allowance or better form for appeal, applicant has made clarifying amendments to the claims and has reformatted the claims to clarify the subject matter for the examiner.

Amended claim 1 recites ... a requirements generator module to generate a set of diverse travel requirements by establishing a plurality of travel requirement templates, and for each travel requirement template, defining a plurality of travel requirements corresponding to different values of the travel requirements.

Applicant claims a requirement generator module. The requirement generator module generates a set of diverse travel requirements. The requirement generator module generates the set of diverse travel requirements by establishing travel requirement templates and defining travel requirements for the travel requirement templates. Once the travel requirements are defined for the travel requirement template, the travel requirement templates are populated with different values of the travel requirements. This requirement generator module produces diverse travel requirements that are used with the other elements of claim 1 to provide diverse travel options.

There is nothing circular in the language of claim 1. It is clear that by establishing travel requirement templates and defining travel requirements for the travel requirement templates, once, the travel requirement templates are populated with different values of the travel requirements, diverse travel requirements are produced. That is, claim 1 starts out with travel requirements and through the templates produces diverse travel requirements.

Claims 52 and 56 have been similarly amended and these claims are also proper under 35 U.S.C. 112, second paragraph.

Claims 55 and 58 were also amended to clarify language. Claim 55 now recites that values for the travel requirement template of particular carriers include a first particular airline and a second, different particular airline. Claim 58 as amended recites that the plurality of travel requirement templates include templates for particular carriers, number of stops, outbound travel departing in a predefined time period, return travel departing in a predefined time period, or travel with an outbound departure on a first predefined date and a return arrival on a second predefined date.

The examiner rejected claims 1-4, 6-8, 27-28, 54, and 56-58 are rejected under 35 U.S.C. 103(a) as being unpatentable over de Marcken et al., U.S. Patent 6,295,521 in view of Karch, U.S. Patent 6,442,537.

de Marcken et al. does not suggest a requirements generator module to generate a set of diverse travel requirements, by establishing a plurality of travel requirement templates, and for each travel requirement template, defining a plurality of travel requirements corresponding to different values of the travel requirements.

The examiner contends that: “de Marcken et al. discloses a system for extracting a smaller set of travel options from a larger set of travel options.” This is incorrect. de Marcken discloses a pricing graph representation of travel options and from the pricing graph extracts a set of travel options. de Marcken et al., therefore does not disclose a system that includes a requirements generator module to generate a set of diverse travel requirements. The area of de Marcken et al. cited by the examiner for this requirement (i.e., user interface, col. 3, line 55 to col. 4, line 62) does not disclose such a limitation. In fact, there is no mention of such a requirements module anywhere in de Marcken et al.

The examiner equates a user interface that can sort travel options based on one of a plurality of travel requirements with “a requirements generator.” Applicant contends that in the cited section (i.e., user interface, col. 3, line 55 to col. 4, line 62), the examiner is relying on the user input query 48. The user query 48 disclosed in de Marcken et al. is used to conduct a search. It does not guarantee or even suggest that the travel options that result from the search would be diverse.

The examiner now admits that de Marcken et al. does not suggest establishing a plurality of travel requirement templates, and relies on Karch to teach this feature. The examiner proffered motivation to combine de Marcken et al. with Karch is: "to provide an efficient rules system that can learn and manipulate information but does not result in significant degradation in performance through the use of extensive amounts of process power." Applicant contends that this is an inadequate and improper motivation to combine the references. Initially, Applicant points out that de Marcken et al. does not appreciate the problem of producing diverse travel options to a customer. de Marcken et al., contrary to the position taken by the examiner, does not define a plurality of travel requirements and does not suggest to populate travel requirement templates with different values of the respective travel requirement. It is not seen how the mere teaching of a template as disclosed in Karch for "artificial intelligence" would motivate one of skill to address the problem that de Marcken et al. fails to mention. While Karch does describe templates for generating rules, the rules that Karch generates are rules pertaining to artificial intelligence. Karch does not provide any suggestion to combine its teachings with de Marcken et al.

Because neither de Marcken et al. nor Karch suggest the features of amended claim 1, claim 1 and its dependent claims 2-4, 6-8 and 27-28 are allowable. For at least these reasons, the applicant respectfully requests that the rejection of claims 1-4, 6-8, 27-28, 54, and 56-58 be withdrawn and those claims be allowed.

The examiner rejected Claims 55 and 59 as being unpatentable over de Marcken et al. and Karch in view of Iyengar et al., U.S. Patent 6,360,205 ("Iyengar").

Claim 55 requires that values for the travel requirement template of particular carriers include a first particular airline and a second, different particular airline, and claim 59 requires a similar limitation.

As argued above, this limitation is not taught or suggested by the combination of de Marcken et al. and Karch. The combination of these references with Iyengar likewise does not teach or suggest this limitation. Iyengar teaches accessing a plurality of target sites to retrieve

reservation information based on input data. (See Iyengar, Abstract) Iyengar does not suggest the claimed elements of these claims.

While, one can argue that Iyengar may produce an output that has diverse travel options if the target sites have different sources of information, this argument assumes that the sites have different sources of information. However, practically there are limited numbers of sources of such information in the airline industry and thus event this supposition is improper. Moreover, the fact that this may be possible is of no consequence, since the reference does not suggest the features of the claims.

Because neither de Marcken et al., Karch nor Iyengar teach or suggest the limitations of claims 55 and 59, a rejection under 35 U.S.C. § 103 is improper. For at least these reasons, the applicant respectfully requests that the rejection of claims 55 and 59 be withdrawn and those claims be allowed.

Applicant's discussion of particular positions of the Examiner does not constitute a concession with respect to any positions that are not expressly contested by the Applicant. Applicant's emphasis of particular reasons why the claims are patentable does not imply that there are not other sufficient reasons why the claims are patentable. Applicant's amendment or cancellation of the claims does not constitute a concession that the claims are not allowable in their unamended form.

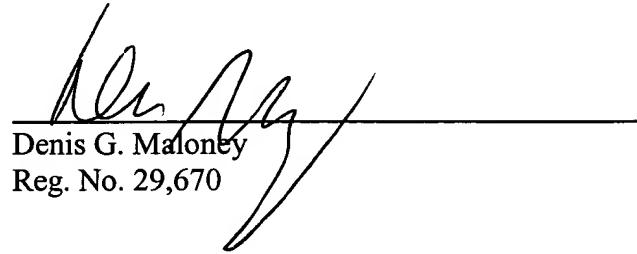
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Page : 11 of 11

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Enclosed is a **\$120** check for the Petition for Extension of Time fee. Please apply any other charges or credits to deposit account 06-1050.

Respectfully submitted,

Date: 3/10/05


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